

REMARKS

Claims 1-2 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 09-176769 (JP '769). This rejection is respectfully traversed.

The Examiner alleges that JP '769 teaches an alloy composition that is so close to the claimed compositions, that one skilled in the art would have expected the compositions taught by JP '769 to have the same properties as the claimed compositions. Applicants respectfully assert that the claimed invention provides unexpected results as compared to the compositions taught by JP '769.

Submitted herewith are supplemental affidavits under 37 CFR 1.132 traversing the rejection under 35 U.S.C. § 103(a) in view of JP '769. The supplemental affidavits include reference figures 1 and 2, which were also submitted in response to the previous Office Action. In the affidavits, the unexpected results regarding the claimed critical upsetting ratio are detailed with respect to comparative alloys that were selected from the teachings of JP '769. That is, critical upsetting ratios were calculated for the comparative alloys taught by JP '769 and these alloys do not achieve the claimed critical upsetting ratio of greater than or equal to 43%.

Furthermore, the supplemental affidavit details that claimed invention in comparison to alloy I taught by JP '769. As detailed in the supplemental affidavits, the

alloy taught by JP '769 (i.e., alloy I) having a composition closest to that of the claimed invention does not achieve the claimed critical upsetting ratio. Because this is an unexpected result, Applicants respectfully assert that despite the alleged teachings of JP '769 the claimed subject matter is non-obvious.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

DOUBLE PATENTING

Claims 1 and 2 stand rejected under the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,175,719. This rejection is respectfully traversed.

Applicant elects to file, included herewith, a Terminal Disclaimer to overcome the double patenting rejection. By submission of the Terminal Disclaimer, Applicant respectfully asserts that the double patenting rejection is moot.

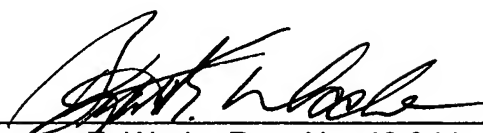
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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